



W.P.(MD) No.14490 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.14490 of 2023

Velmurugan

... Petitioner

Vs.

1.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram District.

2.The Inspector of Police,
Kovilangulam Police Station,
Ramanathapuram District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to release the petitioner's vehicle BAJAJ CT-100 bearing its registration No.TN-65-AU-6120 and Chasis Number MD2B37AY1LPK05670 by considering the petitioner's representations dated 08.06.2023 within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondents : Mr.T.Amjadkhan
Government Advocate



W.P.(MD) No.14490 of 2023

WEB COPY

ORDER

The petitioner has moved this writ petition seeking a mandamus to the respondents to release his vehicle, namely, Bajaj CT-100 two wheeler bearing Registration No.TN-65-AU-6120 and Chasis No.MD2B37AY1LPK05670 by considering the petitioner's representation dated 08.06.2023.

2. It is the case of the petitioner that his vehicle has been confiscated by the second respondent police pursuant to the registration of a crime for the offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act in Crime No.15 of 2023. It is his case that the petitioner's father has been shown as an accused in possession of the liquor bottles sold exclusively by the State owned TASMAC and the vehicle involved was shown as the petitioner's vehicle. The vehicle was seized on 26.03.2023 and the same is kept with open expose to rain and sun. The value of the vehicle has also depreciated on account of this. The petitioner would further submit that the vehicle is only involved in transporting and its confiscation and retention by the second respondent is causing lot of hardships to the petitioner. Therefore, he had submitted



W.P.(MD) No.14490 of 2023

a representation dated 08.06.2023, to which also, there has been no response.

3.Heard the learned counsel appearing on either side and perused the records.

4. Admittedly after filing of FIR, no further steps have been taken and in fact, FIR would show that the same has not even been forwarded to the Jurisdictional Magistrate. The vehicle has been in the custody of the police for over four to five months. Therefore, in the interest of justice, the vehicle ought to be released back to the owner. Accordingly, this Writ Petition is allowed with a direction to the respondents to release the petitioner's vehicle bearing Registration No.TN-65-AU-6120 within a period of two weeks from the date of receipt of a copy of this order. No costs.

20.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp



W.P.(MD) No.14490 of 2023

WEB COPY

To

- 1.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram District.
- 2.The Inspector of Police,
Kovilangulam Police Station,
Ramanathapuram District.



WEB COPY



W.P.(MD) No.14490 of 2023

P.T.ASHA, J.

cp

W.P.(MD) No.14490 of 2023

Dated: 20.06.2023